

<div>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</div> <div>STAFF REPORT</div>	Hearing Date/Agenda Number C.C. 06-15-04 Item:
	File Number PDC03-056
	Application Type Conforming Planned Development Rezoning
	Council District 3
	Planning Area Central
	Assessor's Parcel Number(s) 249-37-005, -006

PROJECT DESCRIPTION	Completed by: John Davidson	
Location: Southeast corner of East Taylor and North Seventh Streets.		
Gross Acreage: 2.0	Net Acreage: 2.0	Net Density: 72 DU/AC
Existing Zoning: A(PD) Planned Development	Existing Use: vacant	
Proposed Zoning: A(PD) Planned Development	Proposed Use: up to 143 single-family attached dwelling units, and up to 12,000 square feet of office/retail space	

GENERAL PLAN	Completed by: JED
Land Use/Transportation Diagram Designation Jackson-Taylor Planned Residential Community Mixed Use #4 (office/retail/high density residential [25- 75 DU/AC])	Project Conformance: [ x ] Yes   [   ] No [   ] See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING	Completed by: JED
North: Multi-family residential	A(PD) Planned Development
East: Multi-family residential	A(PD) Planned Development
South: Single-family attached residential	A(PD) Planned Development
West: Municipal Corporation Yard	HI Heavy Industrial

ENVIRONMENTAL STATUS	Completed by: JED
[   ] Environmental Impact Report certified [ x ] Negative Declaration circulated on 5/21/04 [   ] Negative Declaration adopted on	[   ] Exempt [   ] Environmental Review Incomplete

FILE HISTORY	Completed by: JED
Annexation Title: Original City	Date: March 27, 1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
[ X ] Approval [   ] Approval with Conditions [   ] Denial	Date: _____	Approved by: _____ [   ] Action [ ✓ ] Recommendation

APPLICANT	OWNER
Anthony Ho Miro Design Group 1895 Dobbin Drive, Suite 102 San Jose, CA 95133	Robert Emami ROEM Development Corp. 1895 Dobbin Drive San Jose, CA 95133

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**PUBLIC AGENCY COMMENTS RECEIVED**

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Completed by: JED

**Department of Public Works**

See attached memo

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**Other Departments and Agencies**

See attached memos from Fire Department, Police Department, Environmental Services Department, and the VTA.

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**GENERAL CORRESPONDENCE**

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None received

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant is proposing a Conforming Planned Development Rezoning to allow up to 143 single-family attached dwelling units and up to 12,000 square feet of office/retail space on a triangular 2.0 acre site at the southeast corner of East Taylor and North Seventh Streets within the Jackson-Taylor Planned Residential Community. The Union Pacific Railroad line forms the eastern project boundary.

A Planned Development Zoning (File No. PDC00-121) and PD Permit (PD01-048) were approved in 2001 for a similar project on the site. Those approvals were for a similarly massed building with a different mix of uses, including 50,000 square feet of office space, 8,000 square feet of retail space, and 95 residential units. The applicant has since obtained a General Plan amendment that allows additional residential density, and that reduces the maximum amount of commercial space.

The subject site is vacant with the exception of three small commercial structures and is surrounded by high-density housing to the north across Taylor Street, to the east across the railroad tracks, and to the south across Jackson Street. The City of San Jose municipal corporation yard is to the west across 7<sup>th</sup> Street. The site is approximately 2,000 feet from the North First Street transit corridor, features a bus stop along the Taylor Street frontage, and is within a block of the Japantown Business District.

The project is planned as a five-story residential building, with a 12,000 square foot office/retail space planned at the ground level of the corner of Seventh and Taylor Streets. Project parking is provided in a two-level garage, with one level at-grade and the other entirely below ground. The at-grade level takes access from Taylor Street and will serve both the commercial and residential portions of the project. The subterranean level is accessed from 7<sup>th</sup> Street and is intended for the residential portion of the project. The project provides two distinct common open space areas – a plaza facing 7<sup>th</sup> Street intended for use by commercial tenants, their customers and project residents, and a more sheltered courtyard intended solely for project residents. In addition to the common open space, individual units also feature private open spaces.

### Jackson-Taylor Residential Strategy

The Jackson-Taylor Residential Strategy (J-TRS), adopted by the City Council on October 6, 1992, seeks to convert an older industrial area located in the heart of one of San Jose's residential areas to uses that complement the adjacent neighborhood and provide additional market support to nearby business districts. The J-TRS recognizes that the existing industrial uses in the area are undergoing transition and that a land use pattern that retains jobs, yet is oriented towards providing housing, will be more compatible with the surrounding residential neighborhood. The J-TRS calls for creating a community that is urban in character, one that provides a range of housing types and densities, with a mix of housing, employment, shopping, and public uses that supports the use of public transportation, and that further enhances public open space opportunities and strengthens pedestrian and street connections within the neighborhood. The strategy seeks to buffer the surrounding single-family neighborhoods from the higher density development by moderate density housing designed to echo many qualities of the existing neighborhoods. Ground floor commercial space in selected locations would provide neighborhood-serving and specialty shopping in a manner that complements the Japantown Business District, yet supports employee and resident needs.

An illustrative land use plan (attached) and a number of policies, design guidelines, and implementation strategies were developed as part of the J-TRS to assist the City and property owners in designing and building new projects and public improvements. The illustrative land use plan designates the subject site for Mixed Use (office/retail/high density residential [25-75 DU/AC]). Under the strategy, new development in this Mixed Use area is intended to be up to six stories and 65 feet in height, with ground floor retail along the street frontages. All parking is to be below ground, in structures faced with ground-floor commercial, office, or residential space, or in interior surface lots surrounded by buildings to hide the parking from the streets. Retail uses may be built to the property line, office uses may be built within five feet, and ground-floor residential uses should have a 15-foot setback. Street access to developments should be frequent, with a building character that is varied and articulated to provide visual interest at the pedestrian level rather than an overly unified building façade. Street level windows, display bays, and individual building entries are required for all ground-floor office and retail spaces. Upper stories should be articulated with bays and balconies. Arcades, outdoor seating, and patios are strongly encouraged along the street to provide places for outdoor activities. The strategy is clear: the street façade of a building should never consist of an unarticulated blank wall, a parking garage, or an unbroken series of garage doors.

### **ENVIRONMENTAL REVIEW**

An Initial Study was prepared for this project and a Negative Declaration was circulated by the Director of Planning on May 21, 2004. The Initial Study included a noise report, traffic report, and Phase I/II soils report. Mitigation measures identified in these reports have been incorporated into the project.

The noise report found the project site is exposed to noise from heavy rail, vehicular traffic, and buses along Taylor Street. Train passbys pose the primary noise impact. Sound-rated windows, noise attenuating building materials, and mechanical ventilation will be provided to ensure a living environment in accordance with established City standards. Using standard six foot patio fences and 42" balcony railings, private open spaces for units facing the railroad line will be exposed to 64 dB

DNL, while private open spaces for units facing 7<sup>th</sup> street with standard mitigation will be exposed to 58 dB DNL. Noise exposures from transportation-related sources up to 65 dB DNL are considered acceptable for open spaces. Residents and commercial tenants will occasionally be exposed to significant noise disturbances, particularly as trains move through the neighborhood, but such exposure is not uncommon in urban environments in and around the Downtown.

The traffic report analyzed the project's impact to 21 signalized intersections. The project is expected to generate 117 a.m. peak hour trips and 151 p.m. peak hour trips. The project is expected to have an impact at the intersection of Eleventh and Taylor Streets. Therefore, the project has been conditioned to provide a right turn lane from westbound Taylor Street to northbound 11<sup>th</sup> Street. Alternative mitigation deemed acceptable by the Director of Public Works to find the project in conformance with the City's Transportation Level of Service Policy may be incorporated into the project prior to issuance of development permits. The incorporation of alternative mitigation measures will be subject to additional environmental analysis pursuant to CEQA.

The Phase I/II soils report completed on the project site indicates hazardous materials from past land uses including scrap metal recycling, waste paper recycling, battery processing, and automotive repair are present and, therefore, mitigation measures are required for the project. The project will excavate a full level for the basement garage, and lead-contaminated soil will be removed from the site and disposed of at a certified landfill. With the remedial mitigation measures incorporated into the project per State and local regulatory requirements, the City's Environmental Services Department has concluded the site will be suitable for residential use.

The project involves demolition of three small commercial structures fronting onto Taylor Street. Their exact dates of construction are not known, but it is believed they were built between 1945 and 1950. According to staff's analysis, they have little or no architectural merit and have no known association with any person, event, or trend of historic significance, and therefore are not considered historically significant. Because they lack architectural merit and are not known to have an association with an historic person, event, or trend, a comprehensive historic report prepared by an historic consultant was not required.

## **GENERAL PLAN CONFORMANCE**

The project is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Mixed Use #4 (office/retail/residential). This designation allows high-density residential development (25-75 DU/AC) in combination with up to 12,000 square feet of retail and office uses. This mixed-use designation was approved as part of a 2003 General Plan amendment for the site (GP03-03-02).

## **ANALYSIS**

The primary project issues include conformance with the Jackson-Taylor Residential Strategy, conformance with the Residential Design Guidelines, and the use of a shared or alternating use parking arrangement among the mixture of uses.

## **Conformance to the Jackson-Taylor Residential Strategy**

Staff believes the project conforms to the guidelines for mixed use. The proposed height, setbacks, and configuration of uses follow the Strategy recommendations and will produce a project that is compatible in scale, orientation, and setting with the adjacent new developments to the north and east. Further, staff believes the proposed architecture is exemplary and expresses the essence of the Strategy's design guidelines. The project architecture is varied from Taylor to 7<sup>th</sup> Streets, and features high quality building materials including brick, wood, and stucco, and a combination of roof styles. Residential building wall planes are well articulated with porches, bays, and balconies. Both commercial and residential building entries facing the public streets are frequent with building character which is varied and articulated to provide visual interest at the pedestrian level. The plaza facing 7<sup>th</sup> Street is intended to be finished with outdoor seating and tables to provide an attractive place for outdoor activities.

## **Residential Design Guidelines Conformance**

Staff believes the project conforms to the relevant standards for high-density mixed-use development. Along the street frontages, Taylor and 7<sup>th</sup> Streets, the project features a strong pedestrian orientation, with wide sidewalks, frequent building entries, and groundfloor retail and residential units directly accessible from the sidewalk. Building setbacks are minimal in keeping with the surrounding neighborhood pattern. Common open space is provided in the common courtyard to serve residents and in the plaza facing 7<sup>th</sup> Street. All units feature private open spaces in the form of patios and balconies. Parking is placed within the project, shielded by the groundfloor retail space, units, or the building facade.

## **Alternating Use Parking**

The J-TRS strongly encourages (and the Zoning Code provides for) shared or alternating use parking arrangements, particularly for joint commercial and residential guest parking spaces, and recommends that dedicated resident parking be separate from the office and retail parking. Alternating use arrangements have been included in the mixed-use development (Esplanade I) to the east by the project applicant, and in the nearby Miraido mixed use development at the southeast corner of 6<sup>th</sup> and Jackson Streets. The project has incorporated such an arrangement for shared parking.

The parking plan will be based on a combination of dedicated and shared spaces. Nonetheless, the alternating use parking plan can be generally described. Approximately 281 spaces will be provided in the two garage levels. The office/retail and residential uses both have dedicated spaces adjacent to the respective uses and will rely on the availability of flexible shared spaces to complete their needs.

The below-grade garage is dedicated to residential uses. The at-grade level of garage parking is split between commercial and residential uses, with 34 parking spaces designated for shared use. During evening hours when the office use has reduced need for parking, the shared spaces will be available for the additional requirements of the residents. The plan does not rely upon the efficiencies of those residents who might also work within the project, nor those residents who might live nearby in one of the other recent new Jackson-Taylor developments and walk to work at the project site. A total of 30

parking spaces will be provided in a tandem configuration, and will be specifically allotted to two- and three-bedroom residential units. There are also approximately 28 on-street parking spaces along the project frontage, not counted toward the project total, that will also be available for commercial, retail, and residential visitors and short-term users who will prefer to use street spaces for quick access.

### **COMMUNITY OUTREACH**

A public hearing notice for the project was published in a local newspaper and mailed to all property owners and tenants within 1,000 feet of the subject site. The applicant also held a community meeting hosted by the Council District 3 office.

### **RECOMMENDATION**

Planning staff recommends the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed rezoning conforms to the subject site's General Plan Land Use Diagram Designation of Mixed Use #4 (retail/office/high density residential [25-75 DU/AC]).
2. The proposed rezoning conforms to the Jackson-Taylor Residential Strategy.
3. The proposed project will further the goals and policies of the General Plan's Housing Strategy by providing high-density infill housing in close proximity to transit and commercial/retail opportunities.
4. The proposed project conforms to the applicable Residential Design Guidelines.